

1 SHAWN C. WESTRICK (SBN 235313)

2 Email: shawn@kawahitoshraga.com

3 KAWAHITO WESTRICK LLP

4 10474 Santa Monica Blvd., Ste. 405

5 Los Angeles, California 90025

6 Telephone: (310) 746-5300

7 Facsimile: (310) 593-2520

8 Attorneys for Plaintiff
9 and Class Members

10 **UNITED STATES DISTRICT COURT**

11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 LARRY GRAVESTOCK,
13 individually, and on behalf of other
14 members of the general public
15 similarly situated,

16 Plaintiff,

17 vs.

18 ABILENE MOTOR EXPRESS, INC.,
19 a Virginia corporation, and DOES 1-
20 10, inclusive,

21 Defendants.

Case No.: 8:14-cv-00170-JVS-KES

[Assigned to Hon. Karen E. Scott for
discovery matters]

DISCOVERY MATTER

**NOTICE OF MOTION AND MOTION
RE: PLAINTIFF'S MOTION TO
COMPEL DEPOSITION OF
DEFENDANT'S RULE 30(b)(6)
DESIGNEE; REQUEST FOR
SANCTIONS OF \$4,000 JOINTLY
AND SEVERALLY AGAINST
DEFENDANT AND ITS ATTORNEYS
LEWIS BRISBOIS**

Date: March 7, 2017

Time: 10:00 a.m.

Place: Courtroom 6D

Class Discovery cutoff: None

Pretrial Conference: August 21, 2017

Trial: September 5, 2017

TO DEFENDANT AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT that on March 7, 2017 at 10:00 a.m. in Courtroom 6D of the above-captioned court, which is located at 411 West Fourth Street, Santa Ana, California 92701-4516, Plaintiff Larry Gravestock ("Plaintiff") will, and hereby does, moves for an order, pursuant to Federal Rules of Civil Procedure 26(b), and 30 for an order compelling Defendant to produce a Rule 30(b)(6) in California for half of the depositions while conducting the second half of depositions in Virginia. Defendant has unjustifiably refused to cooperate in the scheduling of the Rule 30(b)(6) deposition and instead insisted that all depositions must go forward in Virginia when there are compelling legal and factual reasons to do at least half of the depositions in Los Angeles and half in Virginia.

This motion is made on the following grounds:

- 1) Plaintiff served a deposition notice setting the Rule 30(b)(6) deposition to take place in Los Angeles;
- 2) Defendant objected to any depositions taking place in California; and
- 3) Plaintiff and Defendant met and conferred and Plaintiff compromised to take half of the depositions in Los Angeles and half in Virginia.

Defendant refused this compromise.

Plaintiff seeks sanctions in the amount of \$4,000 against Defendant and the law firm Lewis Brisbois for failing to reach a compromise and forcing Plaintiff to file another Motion to Compel.

///

1 This Motion is based upon this Notice, the Joint Stipulation, the Declaration
2 of Shawn Westrick, Plaintiff's Proposed Order, the pleadings and papers on file
3 herein and upon any other matters that may be presented to this Court at the hearing.
4

5 Respectfully submitted,
6

7
8 Dated: February 13, 2017

9 /s/ Shawn C. Westrick
10 SHAWN C. WESTRICK
11 KAWAHITO WESTRICK LLP
12 Attorneys for Plaintiffs/Class Members
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28